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D. Davis

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D. Davis

Signature

Customer No.: 07278

Docket No.: 03818/100L650-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mladen MERCEP

Serial No.: 10/615,716

Confirmation No.: TBA

Art Unit: TBA

Filed: July 8, 2003

Examiner: TBA

For: **NEW COMPOUNDS, COMPOSITIONS AND METHODS
FOR TREATMENT OF INFLAMMATORY DISEASES
AND CONDITIONS**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In order to comply with 37 CFR 1.97 and 1.98, attached hereto is a copy of form PTO/SB/08 (Substitute for Form PTO-1449) and copies of the documents listed thereon.

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached form PTO/SB/08) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing form PTO/SB/08 next to the document. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art

for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

This submission is filed before a first action on the merits has been mailed.

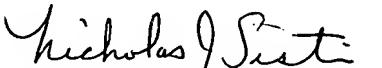
The present Information Disclosure Statement is being submitted in compliance with 37 CFR 1.56, but the citation of such document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

It is believed that no fee is due. However, if the Commissioner determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 04-0100 for any deficiency.

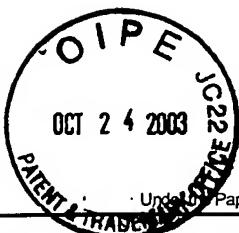
Early and favorable consideration is earnestly solicited.

Respectfully submitted,

Dated: October 23, 2003


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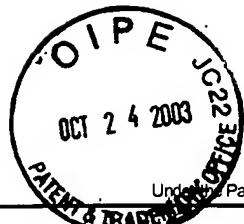
Substitute for Form 1449A/B/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/615,716
Sheet	1	of	4	Filing Date	July 8, 2003
				First Named Inventor	Mladen MERCEP
				Art Unit	TBA
				Examiner Name	TBA
				Attorney Docket Number	03818/100L650-US1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	6,297,260	10/02/2001	Bandarage et al.	
	2.	4,710,495	12/01/1987	Bodor	
	3.	6,402,733	06/11/2002	Daugherty	
	4.	6,273,086	08/14/2001	Ohki et al.	
	5.	6,228,346	05/08/2001	Zhang et al.	
	6.	5,747,467	05/05/1988	Agouridas et al.	
	7.	4,474,768	10/02/1984	Bright	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
	8.	WO 94/13690	06/23/1992	Rhone-Poulenc Rorer Limited	
	9	WO 94/14834	07/07/1994	Rhone-Poulenc Rorer Limited	
	10.	WO 92/13873	08/20/1992	Aktiebolaget Astra	
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	12.	WO 00/42055	07/20/2000	Zambon Group S.P.A.	
	13.	EP 0283055	08/29/1990	Sour Pliva farmaceutska	
	14.	EP 0775489	05/28/1997	Taisho Pharmaceutical Co. Ltd.	
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	16.	WO 97/41255	11/06/1997	Massachusetts Institute of Technology	
	17.	EP 00680967	10/14/1998	Hoechst Marion Roussel	
	18.	WO 99/51616	10/14/1999	Pliva, Farmaceutska	
	19.	EP 0984019	03/08/2000	Pfizer Products Inc.	
	20.	WO 98/56801	12/17/1998	Pfizer Products Inc.	
	21.	WO 94/14834	07/07/1994	Rhone-Poulenc Rorer Limited	
	22.	EP 0984019 A1	03/08/2000	Pfizer Products Inc.	
	23.	WO 98/56801	12/17/1998	Pfizer Products Inc.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	24.	Gladue R. P. et al., "In Vitro and In Vivo Uptake of Azithromycin (CP-62,993) by Phagocytic Cells: Possible Mechanism of Delivery and Release at Sites of Infection," <i>Antimicrob. Agents and Chemother.</i> , 33, 1989, 277-282		
	25.	Olsen K. M. et al., "Intrapulmonary Pharmacokinetics of Zithromycin in Healthy Volunteers Given Five Oral Doses," <i>Antimicrob. Agents and Chemother.</i> , 40, 1996, 2582-2585		
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	29.	Labro, M.T., "Anti-inflammatory activity of macrolides: a new therapeutic potential?" <i>J. Antimicrob. Chemother.</i> , 41, 1998, 37-46		
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	34.	Griffith, E.C., et al., "Yeast Three-Hybrid System for Detecting Ligand-Receptor Interactions," <i>Methods in Enzymology</i> , 328m 2000, 89-110		
	35.	Denis A. et al., "Synthesis and Antibacterial Activity of HMR 36K47, A New Ketolide Highly Potent Against Erythromycin-Resistant and Susceptible Pathogens," <i>Bioorg. & Med. Chem. Lett.</i> , 9, 1999, 3075-3080		
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	37.	Sun, Or Y. et al. <i>J. Med. Chem.</i> 2000, 43, 1045-1049		
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Sheet	3	of	4	Attorney Docket Number	
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43.	Pascual A. et al., "Uptake and intracellular activity of ketolide HMR 3647 in human phagocytic and non-phagocytic cells," <i>Clin. Microbiol. Infect.</i> , 7, 2001, 65-69	
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60.	Newman, S.P. et al., "Evaluation of jet nebulisers for use with gentamicin solution," <i>Thorax</i> , 40, 1985, 671-676	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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